

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KATHLEEN TAYLOR, individually and on)	
behalf of all others similarly situated,)	Case No. 1:17-cv-06374
)	
Plaintiff,)	Judge: Gary Feinerman
)	
v.)	Magistrate Judge: Jeffrey T. Gilbert
)	
STATE COLLECTION SERVICE, INC.,)	
)	
Defendant.)	

**DEFENDANT STATE COLLECTION SERVICE INC.'S AMENDED AFFIRMATIVE
DEFENSES TO PLAINTIFF'S COMPLAINT**

Pursuant to Rule 8(c) of the Federal Rules of Civil Procedure, Defendant asserts the following defenses to Plaintiff's Complaint and reserves the right to amend or supplement these defenses as further information becomes available through discovery.

FIRST AFFIRMATIVE DEFENSE

For its First Affirmative Defense, Defendant states that Plaintiff has not incurred an injury in fact, and Plaintiff does not therefore have standing under Article III of the United States Constitution to bring the instant claims.

SECOND AFFIRMATIVE DEFENSE

For its Second Affirmative Defense, Plaintiff fails to state a claim and/or cause of action upon which relief may be granted and Plaintiff's claims are barred in whole or in part because Plaintiff fails to state claims upon which relief may be granted.

THIRD AFFIRMATIVE DEFENSE

For its Third Affirmative Defense, Plaintiff's claims are barred or diminished due to Plaintiff's failure to mitigate damages.

FOURTH AFFIRMATIVE DEFENSE

For its Fourth Affirmative Defense, to the extent that any violation of the TCPA occurred, which Defendant denies, it resulted from good faith reliance upon incorrect information offered by other persons or entities other than an agent, servant or employee of Defendant. *See Chyba v. First Financial Asset Management*, (S.D. Cal. 2013); *Danehy v. Time Warner Cable Enterprise, LLC*, 2015 WL 5534285 (E.D.N.C. 2015).

FIFTH AFFIRMATIVE DEFENSE

For its Fifth Affirmative Defense, Defendant states that it had consent to call Plaintiff under the TCPA.

WHEREFORE, Defendant, STATE COLLECTION SERVICE, INC. respectfully requests that judgment be entered in its favor and against Plaintiff, and that this Court enter such further relief as is just, necessary and proper.

Respectfully submitted,

HINSHAW & CULBERTSON LLP

/s/ Louis J. Manetti, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on April 20, a copy of Defendant's Amended Affirmative Defenses to Plaintiff's Complaint was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

By: /s/ Louis J. Manetti, Jr.
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